

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 5, 2011**

**C-1    Call to Order / Roll Call**

The City Council Closed Session meeting of January 5, 2011, was called to order by Mayor Johnson at 6:30 p.m.

Present:    Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Absent:    None

Also Present:    City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

**C-2    Announcement of Closed Session**

- a)    Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6

**C-3    Adjourn to Closed Session**

At 6:30 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:55 p.m.

**C-4    Return to Open Session / Disclosure of Action**

At 7:05 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following action.

Item C-2 (a) was discussion only.

**A.    Call to Order / Roll call**

The Regular City Council meeting of January 5, 2011, was called to order by Mayor Johnson at 7:05 p.m.

Present:    Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Absent:    None

Also Present:    City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

**B.    Presentations**

**B-1    Presentation of Lodi Fire Department Commendation Certificate to Ernesto Ochoa (FD)**

Fire Chief Kevin Donnelly presented a Certificate of Commendation and smoke detector to Ernesto Ochoa, who awoke to a fire in his home at 845 South Cherokee Lane #38 at 3 a.m. on October 24, 2010, and was able to get his family out of the house safely.

C. Consent Calendar (Reading; Comments by the Public; Council Action)

Mayor Pro Tempore Mounce made a motion, second by Council Member Katzakian, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: None

C-1 Receive Register of Claims in the Amount of \$3,423,571.19 (FIN)

Claims were approved in the amount of \$3,423,571.19.

C-2 Approve Minutes (CLK)

The minutes of December 13, 2010 (Special Joint Meeting), December 14, 2010 (Shirtsleeve Session), December 15, 2010 (Regular Meeting), December 21, 2010 (Shirtsleeve Session), and December 28, 2010 (Shirtsleeve Session) were approved as written.

C-3 Approve Specifications and Authorize Advertisement for Bids for Two Replacement of Standby Generators at Northeast and Peterson Park Sanitary Lift Stations (PW)

Approved the specifications and authorized advertisement for bids for two replacement standby generators at Northeast and Peterson Park Sanitary Lift Stations.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for Water Meter Program Phase No. 1 (PW)

Approved the plans and specifications and authorized advertisement for bids for Water Meter Program Phase No. 1.

C-5 Adopt Resolution Approving the Purchase of Encoder Receiver Transmitter Equipped ITRON Solid-State Meters from General Pacific, of Portland, OR, and Appropriating Funds (\$47,000) (EUD)

Adopted Resolution No. 2011-01 approving the purchase of encoder receiver transmitter equipped ITRON solid-state meters from General Pacific, of Portland, OR, and appropriating funds in the amount of \$47,000.

C-6 Adopt Resolution Approving the Purchase of a Replacement Bucket Truck from Altec Industries, Inc., of Dixon, CA (\$91,892) (EUD)

Adopted Resolution No. 2011-02 approving the purchase of a replacement bucket truck from Altec Industries, Inc., of Dixon, CA, in the amount of \$91,892.

C-7 Accept Improvements Under Contracts for Grape Bowl All-Weather Surface Project (PW)

Accepted the improvements under contracts for Grape Bowl All-Weather Surface Project.

C-8 Adopt Resolution Authorizing the City Manager to Execute Purchase Order with Shape,

Inc., of Stockton, for Purchase of Flygt Submersible Tailwater Pump (\$24,412) (PW)

Adopted Resolution No. 2011-03 authorizing the City Manager to execute purchase order with Shape, Inc., of Stockton, for purchase of Flygt submersible tailwater pump in the amount of \$24,412.

C-9 Adopt Resolution Establishing the Cost Recovery Fee Schedule for the Annual Permits to Operate with Regard to Fire and Life Safety Inspection Services Established by City Ordinance No. 1808 (FD)

This item was pulled for a separate vote by Council Member Nakanishi based on his desire to not vote in favor of any fee increases.

Mayor Pro Tempore Mounce made a motion, second by Council Member Katzakian, to adopt Resolution No. 2011-04 establishing the cost recovery fee schedule for the annual permits to operate with regard to fire and life safety inspection services established by City Ordinance No. 1808.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Katzakian, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: Council Member Nakanishi

Absent: None

C-10 Authorize the City Manager to Execute a Rental Agreement Between the City of Lodi and P & K Fitness for Use of 125 North Stockton Street (CM)

This item was pulled by the City Manager and will be brought back for City Council consideration at a future meeting.

D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Robin Rushing spoke in regard to his disappointment with the City Council's direction to not allow medical marijuana dispensaries in the City of Lodi.

Jim Shoemaker invited the public and the City Council to attend the international film festival to be held at Hutchins Street Square on January 21, 2011.

Alex Aliferis spoke in regard to the census and notifying the public of any fee or tax increases that may be implemented in the new year.

E. Comments by the City Council Members on Non-Agenda Items

Council Member Nakanishi commended staff for the City's technology related advances over the years.

Mayor Pro Tempore Mounce requested that the process associated with board, committee, and commission appointments be brought back to Council for discussion at a future meeting.

F. Comments by the City Manager on Non-Agenda Items

None.

G. Public Hearings - None

H. Communications

H-1 Appointments to the Lodi Animal Advisory Commission, Recreation Commission, San Joaquin Council of Governments Citizens Advisory Commission, and Post for Remaining Vacancies on Various Boards and Commissions (CLK)

Mayor Pro Tempore Mounce made a motion, second by Council Member Katzakian, to make the following appointments and to direct the City Clerk to post for remaining vacancies on various boards and commissions:

APPOINTMENTS:

Lodi Animal Advisory Commission

Daniel Crownover, term to expire December 31, 2013

Recreation Commission

Rick Morgan, term to expire December 31, 2014

Jeffrey Palmquist, term to expire December 31, 2014

Barbara Wardrobe-Fox, term to expire December 31, 2014

San Joaquin Council of Governments Citizens Advisory Committee

Richard Blackston, term to expire January 1, 2015

POSTINGS:

Lodi Animal Advisory Commission

Two vacancies, terms to expire December 31, 2013

One vacancy, term to expire December 31, 2012

Lodi Senior Citizens Commission

One vacancy, term to expire December 31, 2014

One vacancy, term to expire December 31, 2013

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: None

H-2 Appointments of City Council Members to Fill Vacancies on Various Boards, Commissions, and Committees

Mayor Pro Tempore Mounce made a motion, second by Council Member Katzakian, to make the

following appointments of City Council Members to fill vacancies on various boards, commissions, and committees:

Greenbelt 2x2x2 Committee

Council Member Hansen, unspecified term limit

Northeastern San Joaquin County Groundwater Banking Authority

Council Member Nakanishi, Alternate, unspecified term limit

San Joaquin Council of Governments

Council Member Nakanishi, Alternate, unspecified term limit

Transmission Agency of Northern California

Council Member Nakanishi, Alternate, unspecified term limit

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: None

I. Regular Calendar

I-1 Adopt Resolution Approving the Joint Use Agreement Between the Lodi Unified School District and the City of Lodi for Reciprocal Use of Facilities for the Term of July 1, 2010 Through June 30, 2020 (PR)

Interim Parks and Recreation Director Jim Rodems provided a brief overview of the proposed joint use agreement between the City and the Lodi Unified School District as outlined in the staff report.

In response to Council Member Hansen, Mr. Rodems reviewed some specifics of the agreement including the increased credit line of \$60,000 for both entities, an agreement reopener if either party does not reach 75% of that amount, the use of the Tokay pool, updated indemnification language, the better defined response times, monthly and quarterly monitoring reports, tracking and scheduling mechanisms, and the ability to adjust the agreement if necessary.

In response to Mayor Pro Tempore Mounce, Mr. Rodems stated larger events are generally scheduled more than 45 days out and, while the agreement will likely prevail for scheduling needs, there may be some opportunity to reschedule if necessary by mutual agreement.

In response to Mayor Pro Tempore Mounce, Mr. Rodems stated the District supplying restrooms and concessions is in addition to that which is supplied by the City.

In response to Mayor Pro Tempore Mounce, Mr. Rodems stated staff will be monitoring usage through monthly audits and quarterly reports.

In response to Mayor Pro Tempore Mounce, Mr. Rodems stated the 75% reopener will allow both parties to correct any imbalances in usage.

In response to Mayor Pro Tempore Mounce, Art Hand, representative for Lodi Unified School District, stated the agreement is a good one and includes everything that both parties know and

can anticipate at the current time.

In response to Mayor Pro Tempore Mounce, City Attorney Schwabauer stated that, if the parties are on the physical calendar, their respective use of facilities will take precedent and prevail over others.

Mayor Pro Tempore Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2011-05 approving the joint use agreement between the Lodi Unified School District and the City of Lodi for reciprocal use of facilities for the term of July 1, 2010 through June 30, 2020.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, and Mayor Pro Tempore Mounce

Noes: Mayor Johnson

Absent: None

I-2 Adopt Resolution Approving Revised City of Lodi Energy Risk Management Policies and Further Appointing Council Member Phil Katzakian as a Member of the Risk Oversight Committee (CA)

City Attorney Schwabauer provided a brief overview of the revised policies, stating the only change is the appointment of Council Member Katzakian to the Risk Oversight Committee.

Mayor Pro Tempore Mounce made a motion, second by Council Member Hansen, to adopt Resolution No. 2011-06 approving the revised City of Lodi Energy Risk Management Policies and further appointing Council Member Phil Katzakian as a member of the Risk Oversight Committee.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: None

I-3 Designation of Two Council Members to Participate in the Selection Process for a New Police Chief (CM)

City Manager Rad Bartlam provided a brief overview of the proposed recruitment efforts associated with the Police Chief position as outlined in the staff report.

In response to Council Member Nakanishi, Mr. Bartlam stated the cost associated with retaining the recruitment firm will be under \$20,000 and the proposed firm specializes in these types of recruitments.

In response to Mayor Pro Tempore Mounce, Mr. Bartlam stated he is not aware of the firm's prior retention by the City.

Mayor Johnson made a motion, second by Mayor Pro Tempore Mounce, to designate Council Member Hansen and Mayor Pro Tempore Mounce to participate in the selection process for a new Police Chief.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, Mayor Pro Tempore Mounce, and Mayor Johnson

Noes: None

Absent: None

J. Ordinances - None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:18 p.m.

ATTEST:

Randi Johl  
City Clerk